



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

COPY MAILED

JUL 17 2006

OFFICE OF PETITIONS

In re Application of	:	
Gregory Berrevoets et al.	:	
Application No. 10/692,460	:	
Filed: October 22, 2003	:	DECISION ON PETITION
Attorney Docket No. 78485	:	UNDER 37 C.F.R. §1.181(A)
Title: CROSSLINK FOR SECURING	:	
SPINAL RODS	:	

This is a decision on the petition under 37 C.F.R. §1.181(a) to withdraw the holding of abandonment, filed on April 11, 2006.

BACKGROUND

The above-identified application became abandoned for failure to file a proper response to the Restriction Requirement, mailed September 7, 2005, which set a shortened statutory period to reply for one (1) month. No extensions of time under the provisions of 37 C.F.R. §1.136(a) were received. Accordingly, the above-identified application became abandoned on October 8, 2005. A Notice of abandonment was mailed on March 21, 2006.

With this petition, Petitioner has included a copy of the response, along with the copy of the postcard receipt which establishes that the submission was received in the Office on October 12, 2005. Petitioner has also indicated that the response contains an incorrect serial number: 10/692,420. It is noted that the response contains the wrong art unit, the correct filing date, inventor's name, Attorney Docket number, title, and Examiner. The postcard receipt contains the erroneous application number, and the correct filing date, inventor name, and title. The electronic file of this alternate application

has been reviewed, and it is clear that the submission was placed into the electronic file of the application which corresponds with the serial number which Petitioner placed thereon. It is further noted that the submission contains a certificate of mailing dated October 7, 2005 and as such, it was timely provided to the Office.

Petitioner is reminded that errors such as occurred can result in loss of rights and care must be taken to avoid such.

It is clear that the submission was timely received on October 12, 2005, and placed into the electronic file associated with application number 10/692,420. Accordingly, the petition under 37 C.F.R. §1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

The amendment will be removed from the electronic file associated with application number 10/962,420, and placed into the electronic file associated with the present application in due course.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the response to the restriction requirement which was received on October 12, 2005 can be processed.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanowski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office